

HUMAN RIGHTS WATCH

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Persecuted Minorities and Writers in Pakistan**Introduction**

Government efforts to Islamicize Pakistan's civil and criminal law, which began in earnest in the early 1980s, have dangerously undermined fundamental rights of freedom of religion and expression, and have led to serious abuses against the country's religious minorities. The broad and vague provisions of a series of laws known collectively as the "blasphemy" laws,¹ which strengthen criminal penalties for offenses against Islam, have been used to bring politically-motivated charges of blasphemy or other religious offenses against members of religious minorities as well as some Muslims. Several hundred people have been arrested under these laws since 1984; at this writing, two men, a Christian and a Muslim, have been sentenced to death for blasphemy. Those cases remain on appeal. The blasphemy laws have also contributed to a climate of religious bigotry which has led to discrimination, harassment and violent attacks on minorities -- abuses which are apparently tolerated, if not condoned, by some political leaders and government officials.

International Law Considerations

The right to freedom of religion is guaranteed under Article 18 of the International Convention on Civil and Political Rights (ICCPR).² The state may restrict this right only if the observance of a religious practice or other form of religious expression constitutes a genuine threat to the public peace, and it may do so only to the extent necessary to prevent such a disturbance. Article 19 of the ICCPR holds that, "everyone shall have the right of freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice," subject only to those restrictions necessary "for respect of the rights or reputations of others" or "for the protection of national security or of public order, or of public health or morals." At the same time, Article 20 of the ICCPR prohibits "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."

Here, violence is understood to refer to physical attack; "discrimination" to refer to the actual deprivation of a benefit to which similarly situated people are entitled or the imposition of a penalty or sanction not imposed on other similarly situated people; and "hostility" to criminal harassment and criminal intimidation.³

Many countries have justified laws penalizing speech and other forms of expression on the grounds that they curb religious or ethnic violence. Asia Watch condemns religiously or ethnically-based acts of violence, and discrimination on such arbitrary grounds as nationality, race, gender or religion. There is little evidence, however, that laws penalizing speech and other acts of expression that do not constitute incitement to violence curb such abuse. In fact, the effect is often the opposite. Many governments use these laws to repress minorities or groups opposed to government policies. Moreover, laws prohibiting blasphemy rarely apply to religions other than the dominant faith. Britain's law against blasphemy applies only to Christianity, for example.

In many cases, "hate speech" laws which impose restrictions ostensibly for the purpose of preventing violence penalize not only statements and actions which actually constitute incitement to violence, discrimination or hostility, but also forms of expression which fall short of these criminal acts. The British law on blasphemy has been used to ban films and publications which are deemed to have used "words which are scurrilous, abusive or

offensive and which tend to vilify the Christian religion." Finnish law provides for a maximum two-year prison term for persons convicted of making statements and publishing material in which "a certain race or national or ethnic or religious group is threatened, slandered or insulted." A similar law in France penalizes defamation on the basis of race, ethnicity, nationality or religion. The Indonesian penal code makes it a crime to state publicly or publish anything that might "incite feelings of hostility, hatred or insult" against the government or an ethnic or religious group. It also provides for the prosecution of anyone who "publicly and deliberately expresses a feeling or undertakes an act of enmity, abuse, or insult towards a religion followed in Indonesia." These laws have been used to ban publications and imprison individuals for behavior deemed to be blasphemous or subversive.⁴

Pakistan's laws have their origin in British colonial laws which were designed to curb provocations to religious violence at a time when outbreaks of violence over sectarian issues were common and were frequently manipulated for political purposes. Laws enacted in Pakistan since 1980 go even further. The purpose behind the new laws is not necessarily to protect the public order, or the life or reputation of any individual, but the integrity of Islam itself. Thus, the courts are no longer concerned with determining whether the acts proscribed by these laws pose a threat or constitute an offense to any person or community. Instead, the guilt or innocence of the accused depends on whether the acts with which he or she is charged are in themselves considered an affront to Islam. Because that determination is necessarily subjective, there are no provisions in the law to safeguard against an arbitrary or politically biased ruling.

These changes have had far-reaching consequences. Laws which were drafted originally to deter acts of violence motivated by religion have increasingly been used to promote religious intolerance and criminalize religious activities of minority communities. Most of Pakistan's laws on blasphemy and other offenses against religion unreasonably restrict speech and other forms of expression, including religious practices, in violation of internationally recognized rights of freedom of expression and religion. The laws also facilitate the detention of persons on vaguely defined charges of committing blasphemy or other religious offenses. And the penalties may be severe. A 1987 amendment now makes the death penalty mandatory for anyone convicted of blasphemy involving the name of the Prophet Mohammad.

Two laws enacted since 1980 specifically target the Ahmadiya minority, a religious sect founded in 1889 which is accused of claiming their founder, Mirza Ghulam Ahmad, as a prophet and thereby contravening the orthodox Islamic tenet that Mohammad was the last prophet. The Ahmadis, who deny this charge, consider themselves to be Muslims and observe Muslim practices as part of their religion. Because of this accusation, they have been the target of persecution by conservative *ulama* (scholars of Islamic law) who claim that the sect should not be considered Muslim. Constitutional debates among the *ulama* and political leaders as to who was a Muslim led to anti-Ahmadiya riots in 1953. The question was left unresolved until 1974, when the Ahmadiya were declared "non-Muslim" by constitutional amendment during the administration of Zulfikar Ali Bhutto. State repression of the Ahmadis began in earnest with the 1984 ordinance on un-Islamic activities, under which members of the Ahmadi community became liable for prosecution for the engaging in many activities associated with Islam. Amendments to the penal code that year prohibited Ahmadis from preaching, or calling themselves Muslims or their place of worship a *masjid* (mosque), and from "outraging the feelings of Muslims." More than one hundred Ahmadis have been arrested under these laws since 1987.

Other minorities are also at risk of arrest under these laws. Gul Masih, a Christian, was arrested for allegedly making derogatory remarks about the Prophet Mohammad. The sole witness was a neighbor with whom Masih had political differences. Masih was tried in November 1992 and sentenced to death. An appeal is pending in the High Court.

Changes in the law have also contributed to a climate of religious intolerance in which acts of violence against

religious minorities have been condoned, and in some cases encouraged by local officials and police. In January 1992, Naimat Ahmar, a Christian teacher, was murdered after posters appeared in his school accusing him of blasphemy. In July 1992, Tahir Iqbal, an Ahmadi man awaiting trial on a blasphemy charge, was murdered by unidentified assailants in Kot Lakhpat prison in Lahore. At this writing, no one has been charged with the crime.

The Politics of Islam in Pakistan

Ever since Pakistan's creation as an independent state in 1947, controversy over the role of Islam in the country's political and social life and tension among its major ethnic communities have dominated the process of state-building and the construction of the country's political and legal institutions. As in India, Pakistan's early leaders were profoundly affected by the bloodshed that accompanied the partition of British India into two independent nations and were wary of the potential for further violence in politics based on communal or religious identities. Having achieved their objective of a separate state for a portion of the Muslims of South Asia, Pakistan's new leaders thus never resolved the Islamic character of the nation's identity or fully articulated the legal basis for an Islamic state.⁵

After protracted debate, Pakistan's first constitution established the country as an Islamic republic in 1956. The specific provisions related to Islam included a requirement that the head of state be a Muslim and that no law could be enacted that was repugnant to Islam. In most other matters, the constitution reflected principles of a modern parliamentary democracy. It guaranteed equality for all citizens and included specific protections for the country's religious minorities, such as representation in the parliament and provincial assemblies and recognition of distinct family laws for minority religious communities. In fact, the Objectives Resolution, adopted on March 25, 1949, declared that the constitution should not only enable Muslims to live in accordance with the precepts of Islam, but should also make adequate provision for non-Muslims freely to profess and practice their religion.⁶ The constitution of 1962 was even less accommodating of the demands of the religious establishment. The document initially dropped the word "Islamic" from the state's official title, but the word was restored by amendment in 1963.⁷

The 1973 constitution, adopted during the administration of the populist socialist leader Zulfikar Ali Bhutto, for the first time prohibited discrimination on the basis of gender or religion. In an effort to appease critics in the religious establishment, however, Bhutto embarked on a campaign to legitimate his policies through appeals to Islam. The first victims of Bhutto's Islamization effort were the Ahmadis. In 1974, Bhutto caved in to demands from religious leaders to have the sect declared non-Muslim. With this amendment, discrimination against the Ahmadiya community received state sanction.

On July 5, 1977, Bhutto was deposed in Pakistan's third military coup, which was led by General Zia ul-Haq. Zia also sought to legitimate his policies and consolidate his hold on power through appeals to Islam. His efforts had their greatest impact on the criminal justice system. In 1978, Shari`a benches comprised of three judges were introduced in each of the provincial High Courts. (Shari`a is the traditional formulation of Islamic law). The responsibility of these judges was to review all laws to ensure that none was repugnant to the Shari`a. In 1979, Zia promulgated the Hudood Ordinances, laws which prescribe Islamic punishments for certain criminal offenses.⁸

In May 1980, the separate Shari`a benches were reorganized and centralized under the Federal Shari`a Court, with responsibility for ensuring that all legislative acts and judicial pronouncements are compatible with Islamic law. It also has original and appellate jurisdiction over cases arising from the Hudood Ordinances. As a parallel judicial system, the Shari`a Court has had the effect of weakening the jurisdiction of the Superior Courts. It also acts as a super-legislature insofar as it can order immediate revision of national laws, and its rulings are binding

on high and lower courts.⁹ Members of the court are appointed by the executive and can be removed at will, further eroding judicial independence. In fact, the members need not be judges at all; following a 1981 amendment, a maximum of three of the eight seats may be filled by *ulama*. Since only five seats need be filled for the court to render judgments, it is possible for *ulama* to outnumber professional judges.

The 1974 amendment declaring the Ahmadis non-Muslim paved the way for a 1984 ordinance on un-Islamic activities which was enacted during Zia's martial law regime. Under that ordinance, Ahmadis became liable for prosecution for any activity deemed likely to "outrage the religious feelings of Muslims," including displaying the Qur'an.

Martial law was lifted in January 1986, but only after adoption of the Eighth Amendment to the constitution. The Eighth Amendment provided that laws and orders passed during martial law, including the new Islamic laws and amendments granting the president increased power over the National Assembly and judiciary, be exempt from review by any court. After the death of General Zia in August 1988, and national elections that October, Benazir Bhutto became prime minister. President Ghulam Ishaq Khan dismissed her government in August 1990 and, after elections in November 1990, the IJI (Islami Jamjhoori Ittehad, or Islamic Democratic Alliance) came to power. Nawaz Sharif, the former Chief Minister of Punjab who had won the support of conservative religious leaders by promising to Islamize all laws, became prime minister. An increasingly bitter power struggle between Sharif and president Ghulam Ishaq Khan culminated in the resignation of both in July 1993,¹⁰ as a result of army mediation. New elections are scheduled for October 6, 1993.

Background to the Laws

Laws prohibiting acts of incitement and violence against members of religious communities and religious institutions were first incorporated in the penal code of British India in 1860. The statutes have been amended over the years, usually in response to outbreaks of communal riots or specific incidents of religious violence. These laws focus for the most part on acts of violence or other readily identifiable criminal acts, but they also include restrictions on speech and other forms of expression which do not constitute incitement, such as "wounding the religious feelings of any person." Amendments to the laws in Pakistan after 1980 have further restricted freedom of expression by criminalizing not only those actions intended to cause offense, but also those in which no such intent is proved and which even by "innuendo" may cause offense. The laws have also strengthened criminal penalties exclusively for offenses against Islam. With evidentiary requirements weakened, the laws increasingly have been used to bring politically-motivated charges of blasphemy or of other acts of religious profanation against members of religious minorities as well as some Muslims. They have also criminalized religious practices and other forms of expression for members of all religious communities, but particularly non-Muslims, and have contributed to a climate of intolerance in which acts of violence against minority groups have been tolerated and even condoned by state authorities.

Section 295 of the Pakistan Penal Code criminalizes the destruction, damage or defilement of any place of worship or emblem of faith when the action is carried out with the intention of insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such an act an insult. Those convicted are subject to imprisonment for a maximum of two years. Sections 296 and 297 of the penal code describe related offenses and are punishable with imprisonment for up to one year.¹¹

The offenses described under Sections 295 to 297 appear to constitute acts of violence, discrimination or hostility which, under Article 20 of the ICCPR, may be prohibited.¹² Section 298 is notable in that, unlike the other laws which prohibit criminal acts such as vandalism and trespassing, it criminalizes speech which does not represent a direct or immediate incitement to violence, discrimination or hostility. It prescribes a maximum term of one

year's imprisonment, or a fine, or both, for anyone who "with the deliberate intent of wounding the religious feelings of any person," utters any word or makes any sound or gesture.

Section 295 was amended in 1927 to expand the definition of those liable for prosecution to include anyone who had the "deliberate and malicious intention of outraging" the religious sentiment of any class of citizens "by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class." Although legislators who were concerned about restrictions on free speech insisted that the words "deliberate and malicious intention" be inserted to qualify the act of "outraging" the religious sentiment of the affected class, the amendment still criminalizes speech and other forms of expression which fall short of incitement to illegal action. The amendment, titled Section 295-A, provides for a maximum prison term of three years, or a fine, or both.

Beginning in 1980, the laws were further amended to drop the requirement that the accused be shown to have had "deliberate intent," as specified in Section 298, or "deliberate and malicious intent", as specified in Section 295-A. Instead, mere "imputation, innuendo or insinuation, directly or indirectly" is considered sufficient to prove the charge. The amendment, 298-A, also included a more protected category of persons revered in Islam, and increased the punishment for persons convicted of defiling their names to three years in prison. It specified that,

Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-Bait), of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (Khulafa-e-Rashideen) or companions (Sahaaba) of the Holy Prophet (peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

With this amendment, the laws began to shift from a concern for form of the expression and its the effect on a community, to the subject of the expression itself and the threat it posed to the integrity of the religion itself, apart from societal consequences. According to a 1992 study,

The central distinction between the traditional Islamic restrictions on freedom of expression and international law's modern, secular definitions appears thus to be that the one is concerned with "taboo" *subject matter* while the other emphasizes the *manner of expression* as the cause of the offense. For the Islamic laws of religious offense are defined with reference to certain sacred "truths" that may not be contradicted, challenged, satirized or ridiculed -- it is the affront to the *ideas* themselves that is seen as threatening to the very fabric of Islamic society. ... In international law, in contrast, the actual measurable *effect* that the manner of expression of the ideas in question may have on the local community is what constitutes the affront to social order.¹³

Section 295-B was added to the penal code in 1982. It expanded on existing legislation by increasing the maximum punishment from three years to life imprisonment in cases in which the act of defilement involved the Qur'an.

Whoever willfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

1984 saw two more additions to the penal code which specifically prohibited members of the Ahmadiya community from engaging in speech and actions associated with Ahmadi religious practices which are also observed by Muslims in general. These laws clearly violate internationally recognized rights of religious freedom and freedom of expression. Section 298-B prohibits the "misuse" by Ahmadis of "epithets, descriptions and titles ... reserved for certain holy personages or places." It reads:

(1) Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written or by visible representation (a) refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet (Peace be upon him), as 'Ameer-ul-Mumineen,' 'Khalifat-ul-Mumineen,' 'Khalifat-ul-Muslimeen,' 'Sahaabi' or 'Razi Allah Anho'; (b) refers to, or addresses, any person, other than a wife of the Holy Prophet (Peace be upon him), as Ummul-Mumineen; (c) refers to, or addresses, any person, other than a member of the family (Ahle-bait) of the Holy Prophet (Peace be upon him), as Ahle-bait; or (d) refers to, or names, or calls, his place of worship as Masjid; shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

298-C provides further that:

Any person of the Qadiani group or of the Lahori group (who call themselves 'Ahmadis' or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to a fine.

Between January and May of 1992 alone, twenty cases were brought against Ahmadis under these provisions.¹⁴

In 1986, the penal code was again amended to include Section 295-C, which provided the most severe penalty to date for persons convicted of blasphemy involving the name of the Prophet.

Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet (peace be upon him) shall be punished with death or imprisonment for life, and shall also be liable to fine.

This amendment also left out any requirement that the accused be shown to have had "deliberate" or "malicious" intent, as specified in Section 295-A. Again, "imputation, innuendo or insinuation, directly or indirectly" is considered sufficient to prove the charge. Moreover, the amendment provides no clear definition of a "derogatory remark"; the determination is left to the Shari'a Court. The accused may be arrested without warrant, and he or she cannot get bail. Trial is before a session court; the judge is required to be a Muslim.

Like the previous amendments, Section 295-C applies only to insults to Islam. In 1991, the Federal Shari'a Court ruled that life imprisonment was repugnant to Islam, and that, therefore, the death penalty was the only punishment possible for those convicted of blasphemy under 295-C. The court ruled that if the government had not deleted the words "imprisonment for life" from the statute by April 30, 1991, the court would consider the change to have been made. On May 1, 1991 the death penalty became mandatory for persons convicted under 295-C. After that, a bill was introduced in the Senate to give effect to the ruling. It was referred to the Senate Standing Committee on Law and Justice, which criticized the provisions as "troublingly vague and over-inclusive." The Senate nevertheless adopted the bill, which was then introduced in the National Assembly, where it was also widely criticized. Although the National Assembly did not pass the bill, the court's ruling on the mandatory death penalty remained valid.¹⁵ At this writing, it had not yet been enforced.

The Shari'a Court has since suggested that the provisions of the law should be expanded to include the names of other prophets, but at this writing, no such change has been made. A bill has been introduced to enlarge the scope of 295-C to include the names of the Prophet's companions and family members, as listed under Section 298-A.¹⁶

According to the Human Rights Commission of Pakistan, the first victims of the blasphemy laws were members of the Ahmadiya community. Between 1987 and 1992, 106 Ahmadis were charged in 25 cases on grounds that included preaching, writing about Mohammad, using Islamic texts phrases in personal correspondence or publications. The number of charges increased sharply in 1992, when ten cases were filed. Five cases were filed in 1987, four in 1988, two in 1990 and two again in 1991. In eighteen of the cases, the charges included not only charges under 295-C but also violations of Section 298-C, prohibiting Ahmadis from preaching, propagating or engaging in Muslim practices. As of August 1993, only three of the cases had been decided: two ended in acquittal, and one was dismissed.¹⁷

Taken as a whole, these amendments to the penal code constitute a powerful weapon for the persecution of religious minorities and the silencing of ideological enemies. Under the law, personally or politically motivated charges of blasphemy may result in a conviction with little or no corroboration. On the basis of a mere allegation of blasphemy from a single witness, an accused person may spend several years in jail waiting for trial. As of August 1993, two defendants in blasphemy cases have been sentenced to death, and both were on appeal. Eight other cases were known to be pending.

The laws pertaining specifically to blasphemy represent perhaps the most blatant example of the abuse of the law as a weapon of religious intolerance. The laws not only violate internationally recognized rights of freedom of religion and expression but, as the U.S. State Department has noted, have also "encouraged an atmosphere of religious intolerance which has led to acts of violence directed at Ahmadis and Christians."¹⁸ The fact that the authorities have done little to protect minorities from attack, or prosecute those responsible indicates a significant level of state tolerance for such abuses.¹⁹

In its 1992 report, The 'Blasphemy' Episodes, the Human Rights Commission of Pakistan concluded that

[Religious intolerance] finds acquiescence, if not active encouragement, in the recent governments' voluble invocations of Islam. Intolerance is becoming holy, a distinguishing badge of devotion to Islam. Crimes are committed without fear of official retribution or social disapproval and in the knowledge that any voices of isolated protest will not in the given atmosphere get far.²⁰

Cases²¹

The cases described below represent only a few of those which have been brought against Ahmadis, Christians and Muslims on charges of blasphemy. In almost all of the cases, the evidence amounts to the testimony of a single witness who may have had other motives for bringing the charge. In some cases, blasphemy charges have often been added to cases of land disputes or other civil or criminal charges in order to influence the court's decision and to ensure that the accused is jailed pending trial. In other cases, the charges have apparently encouraged others to exact vigilante justice on the accused. In addition to the case of Naimat Ahmar and Tahir Iqbal, which are described below, Bantu Masih, a Christian, who had been accused of blasphemy, was stabbed by his accuser while the two men were in the police station for questioning. The police convinced Bantu Masih not to press charges against his assailant in exchange for his not being arrested on the blasphemy charge. After Bantu Masih's death some time later, all charges were dropped.

Gul Masih

Gul Masih, a Catholic, was the first person to be sentenced to death for blasphemy since the death penalty became mandatory in 1991.²² Masih is a resident of eastern Sargodha, a town about 200 miles from Islamabad which has a sizable Christian minority.

On December 10, 1991, Gul Masih and his long-time neighbor Mohammad Sajjad Hussain, who is Muslim, were engaged in conversation at their community water tap. According to Masih, the tap was broken, and he had commented that the plumber who had collected the community money to fix it was dishonest. The plumber was a Muslim. Eyewitnesses and participants have offered conflicting accounts of the rest of the conversation.

Mohammad Sajjad Hussain has claimed that Gul Masih cursed the plumber and made derogatory comments about the neighborhood, Pakistan and Islam. He also claimed that Gul Masih made derogatory remarks about the Prophet, and that an argument then developed between the two men. Hussain stated that Gul Masih's brothers, Rashid and Javed, had to intervene to prevent a physical fight. Sajjad Hussain also stated that after he returned home he conferred with his father, Rahim Baksh, and then with a local *maulvi* (Islamic cleric), Hafiz Mohammad Kalyar, about the incident. He claimed that when he encountered Gul Masih again later that day and challenged him to retract his earlier remarks, Gul Masih repeated the offensive comments and another fight almost ensued. Sajjad Hussain also claimed that some Christian women insulted his mother.

Other reports of the day's events did not mention any such confrontation. No other witnesses support Sajjad Hussain's claim. Two eye-witnesses, Muhammad Safdar and Ghulam Hussain, have denied that Gul Masih committed blasphemy. Father Philip of the Sargodha parish stated that the conversation at the water tap did turn from politics to religion, but he described it as a conversational exchange rather than a fight.²³ Gul Masih's brother Bashir stated that the two men parted after shaking hands and hugging each other.

Although Sajjad claims to have been immediately infuriated by Gul Masih's "blasphemy," no charges were filed until three days after the conversation, on December 13. In the interim, Sajjad reportedly met with a *maulvi* of the Anjuman Sipah-i-Sahaba (ASS) sect, an orthodox Islamic organization which advocates making Pakistan an officially Sunni state and for removing all non-Sunni Muslims from government posts. The ASS is the dominant, and most militant, religious group in Sargodha; its members are said to have a propensity for taking the law into their own hands. Sajjad Hussain denied being a member of ASS, but its flag flies over his family's house.²⁴ The *maulvi*, along with some colleagues, reportedly encouraged Sajjad Hussain to file charges against Gul Masih under Section 295-C of the penal code.

Before filing the First Information Report (FIR), the starting point for any criminal investigation, Sajjad Hussain and his father consulted the local councillor, Aslam Kachela, for his advice. Kachela advised them to file the FIR. Another Sargodha *maulvi*, Sher Mohammad, told the Human Rights Commission that he had wanted to put an end the accusations by issuing a *fatwa* (religious edict), but was advised against doing so by Aslam Kachela. Kachela is reported to be the divisional head and patron of the ASS; in March 1991 he was charged with the murder of an employee of a political rival. The case is still pending. The argument between Sajjad Hussain and Gul Masih occurred several weeks before local elections, and Kachela's candidacy had reportedly been opposed by Gul Masih's brother, Aziz. In his statement, Gul Masih has claimed that Kachela had a grudge against the family because Aziz, when he was the minority representative on the council, had challenged Kachela.

The FIR charged both Gul Masih and his brother Bashir with blasphemy. On December 14, 1991, the two men were detained by the police overnight and then transferred to jail. After a number of Muslim neighbors testified that Bashir had not participated in the conversation, he was released after spending a month and a half in jail. Since then, several local clerics have demanded that he be rearrested and that both men be hanged. Statements to this effect have been made at Friday prayers and have appeared on posters.

Gul Masih's trial commenced in November 1992. Sajjad Hussain was the only witness to testify that Gul had said anything blasphemous. Although Hussain claimed that two eye-witnesses also heard the blasphemous remarks, both testified that Gul Masih was innocent of the charge. Nevertheless, on the basis of Sajjad Hussain's testimony

alone, the Additional Sessions Judge of Sargodha, Khan Talib Hussain Baloch, sentenced Gul Masih to death by hanging, and a fine of Rs. 5,000 [\$200], subject to confirmation by the High Court.

Since the sentencing, Gul Masih has been held in solitary confinement "because of the nature of his crime," according to Raja Pervaiz, the Deputy Superintendent of the jail. According to his brother, Aziz, Gul Masih was beaten up by another prisoner reportedly as punishment for the crime of blasphemy. When he met with representatives of the Human Rights Commission, Gul Masih was brought in handcuffs and appeared to have been physically mistreated. An appeal has been filed with the High Court on the grounds that the evidence was insufficient and uncorroborated, that Gul Masih was not given the benefit of the doubt and that the death sentence is thus not justified.

Akhtar Hameed Khan

Dr. Akhtar Hameed Khan, a prominent Muslim social worker and scholar, has been charged with blasphemy at least three times, and has been the subject of repeated harassment by private citizens, mullahs and government functionaries since 1988. The fact that Dr. Khan, who is 81, is reported to be in poor health, makes the charges and harassment all the more disturbing.

Having resigned from the Indian Civil Service 50 years ago, Dr. Khan devoted himself to public service, founding the Rural Development Academy in Comilla (now in Bangladesh) and the Orangi Pilot Project (OPP) in Karachi. Some of the projects were controversial. Because it offered easy terms on home loans and promoted family planning, the OPP was seen as a threat by local business interests and traditional religious authorities.

In April 1988, Dr. Khan dismissed an employee, Mobin-ud-Din, from his position with the OPP because of misappropriation of funds.²⁵ This employee filed the first charge of blasphemy. The case concerns an interview Dr. Khan is alleged to have given an Indian newspaper reporter, the text of which has never actually appeared in any Indian or Pakistani paper. Although Dr. Khan denies having given the interview, excerpts attributed to him were printed in *Takbeer*, the weekly newspaper of the Jamaat-i-Islami²⁶ political party, in 1988. According to some reports, the excerpts were published at the instigation of Mobin-ud-Din himself. The weekly asserted that the statements contained in the interview constituted blasphemy. These charges were eventually dropped by Karachi police for lack of evidence.

The second case was prompted by the same newspaper article. On May 14, 1990, Malik Wazir Ghazi, a cleric in Multan, a city about 500 miles from Karachi, filed a complaint against Dr. Khan on the basis of the same article calling for Dr. Khan to be punished for blasphemy. Charges were brought against Dr. Khan under Sections 298-A, 295-B and 295-C of the penal code. A Multan court declared Dr. Khan a "proclaimed offender," but failed to notify him of the complaint. Several months later, Dr. Khan was suddenly arrested and detained for several hours. After he was released, Dr. Khan was informed through an anonymous message that if he dropped the charges against Mobin-ud-Din, the dismissed employee, the blasphemy charges would be withdrawn as well.

Fearing that he might be attacked in Multan, Dr. Khan requested that the Lahore High Court transfer the case to another location and grant bail. The case was transferred to the sessions court in Sahiwal, a town 100 miles from Lahore, but because of his poor health, Dr. Khan has been unable to travel to Sahiwal. On March 21, 1993, the Sahiwal court issued a warrant for Dr. Khan's arrest, but as of August 1993, he had not been arrested.

The third case of blasphemy brought against Dr. Akhtar Hameed Khan is based upon a nursery rhyme he wrote entitled "Sher aur Ahmaq" ("The Lion and Ahmaq"), which was published by Oxford University Press in 1989. The complainant, Ehteramul Haq Thanvi, has alleged that the rhyme refers to the Holy Prophet and the fourth

Caliph, and that it is an insult to both the Prophet and Islam. The case was initiated on March 19, 1992; Dr. Khan was granted bail by the Sindh High Court.

After that case was filed, Dr. Khan's house was raided twice by the police, and he has been detained without warrant or charge several times. On one occasion, when the raiding police were from a station other than the one having jurisdiction over the locality, his family was not notified of his whereabouts for several hours. Another time, an army officer led the raid on his home. Clerics have vilified Dr. Khan in the press, and have urged military authorities in Karachi to put him in jail. They have also distributed inflammatory handbills against him. The family has been ostracized by many in their neighborhood ever since the handbills appeared.

Despite pressure from human rights groups, editors and prominent citizens, the charges against Dr. Khan have not been dropped.

Naimat Ahmar

Naimat Ahmar, a 45-year-old former high school headmaster, teacher and poet and a resident of Faisalabad, Punjab, was murdered on January 6, 1992, by a neighbor who accused Naimat Ahmar of committing blasphemy. Ahmar, who was Christian, had reportedly angered local landlords who controlled the Miani High School where Ahmar had been headmaster, as well as members of the teaching staff, when he criticized influential members of the community who were using school for their personal benefit by using the grounds for cultivation and for storing animals.

As a result of efforts by a number of Miani teachers and others from the community, Ahmar was transferred in early 1991 to the Zamindar High School in Dashua, thirteen kilometers away from Faisalabad. There, the other teaching staff and local leaders in the community also tried to have him transferred.

On December 18, 1991, posters accusing Ahmar of disgracing Islam and of maligning the Prophet appeared in the school and on houses and shops in the town. The next day, twenty-nine teachers signed a petition asking the headmaster to respond to the charges. An inquiry held by the teachers was unable to corroborate the accusation. Ahmar denied the allegations in writing and submitted a formal, unconditional apology for any insult he might have caused inadvertently.

Believing that the inflammatory posters might put him in danger, on December 21, 1991, Ahmar enlisted the aid of Bishop John Joseph of Faisalabad to help him get another transfer. Although the government had put a hold on all transfers, the Bishop was able to secure, through the Director of Education, a post at the District Education Office headquarters in Faisalabad, where Ahmar was assigned temporarily. Following Ahmar's move, the headmaster of the Dasuha school received an application for employment from Allah Ditta, an uncle of the man who later murdered Ahmar.

On the morning of January 6, 1992, Farooq Ahmad, a 20-year-old man from Faisalabad, stopped Ahmar outside of the District Education Office and stabbed him repeatedly. Farooq later testified that he asked Ahmar why he had been blasphemous and that Ahmar denied that he had. The entire District Education Office staff witnessed the murder, but no staff member intervened or reported it to the police. The FIR was filed by Waqar Ahmar, Naimat's brother, who was not a witness to the crime.

Farooq Ahmad admitted to police that he never heard Naimat Ahmar say anything derogatory of Islam or the Prophet, but insisted that he was convinced of the truth of the accusation by the anonymous posters. Speaking with members of the Human Rights Commission of Pakistan (HRCP) on January 22, 1992, he acknowledged that

Ahmar's students had never complained about their teacher and that no one had ever accused Ahmar of blasphemy before the anonymous posters appeared. The headmaster and teachers of the Dasuha school gave the same report. The Dasuha students denied that their teacher had said anything that could be considered blasphemous.

Farooq nonetheless maintained that the murder was justified. He named several teachers who he said corroborated the accusation of blasphemy, including Mohammad Arshad at Dasuha, Qari Ajmal Hussain, an Arabic teacher at the Dasuha Government School, and four others named Saeed Sahib, Amjad, Manzoor and Muhammad Bashir. The named teachers testified to the Commission that they were convinced of Ahmar's guilt because they had heard that he had committed blasphemy from a man named Mushtaq, who had been a colleague of Naimat Ahmar's at the school in Miani. None of teachers had actually heard Ahmar make any derogatory statements. According to the headmaster at Dasuha, however, Mushtaq denied having made any such allegation against Ahmar.

Farooq Ahmad has stated that he was motivated to kill Ahmar because he believed him to be a blasphemer, and that he feels that he has done his duty as a Muslim. He claimed that he waited several days for the police to take action against Ahmar after the posters appeared, and when no action was taken, he took a knife from his father's butcher shop and decided to act himself. He stated that told no one of his intention and kept Ahmar under surveillance for a full day before the murder. At 10:00 a.m. on January 6, Farooq called Ahmar out of the Education Office on the pretext of delivering a message.

According to the Human Rights Commission of Pakistan, local police officers and many local clerics congratulated Farooq Ahmad on his courage and commitment to Islam during and after his arrest. The Arabic teacher Qari Ajmal and some clerics hired lawyers to defend him; the President of the Faisalabad Bar Association volunteered free legal counsel to him, without consultation with the other members of the Association, who knew nothing of the offer. Local clerics told Farooq Ahmad's family that influential people in Islamabad had given assurances that the killer would be released when public attention waned.

At the time of the HRCP mission, the police investigator had confiscated the murder weapon and taken the names of witnesses, but no attempt had been made to identify the author of the posters. The investigating officer on the case reported hesitation to pursue the investigation, out of fear of the local clerics. As of August 1993, Farooq Ahmad's bail application was pending before the High Court.

The HRCP concluded that the blasphemy laws encouraged private citizens to take murderous actions like Farooq Ahmad's, stating:

Farooq knew that blasphemy was a cognizable offense punishable by death, and that a person accused of it wouldn't even easily get bail. He was also apparently emboldened by the fact that if he prejudged the sentence and carried it out himself while the issue was fresh, those approving of it would be, if not more numerous, certainly more vocal and assertive than those disapproving it. Such laws in an intolerant religious atmosphere can therefore only encourage persecution at the popular fanatical level.²⁷

Tahir Iqbal

The second murder apparently inspired by Pakistan's blasphemy laws took place in Kot Lakhpat prison in Lahore, Punjab. On July 20, 1992, Tahir Iqbal, a 33-year-old Christian paraplegic was murdered by unidentified assailants while being held in judicial lock-up awaiting trial for blasphemy.

Tahir Iqbal had lived alone in Nishat colony in Canatt after retiring from his position as a technician in the air force in 1982. Six years after his retirement, in 1988, Tahir Iqbal, who was born a Muslim, converted to Christianity. His conversion caused resentment among his neighbors and members of his family, including his stepmother.

According to a neighbor, Iqbal was visited by a number of young Muslim men some time after his conversion who questioned him about his decision. After they left his house, they went to the maulvi of the local mosque, Maulvi Pirzada Ali Ahmad Sabir Chishti, and asked him to rebut Tahir Iqbal's statements. On December 7, 1990, the maulvi filed an FIR against Iqbal, accusing him of desecrating a copy of the Qur'an and speaking against the Holy Prophet.²⁸ Tahir Iqbal was arrested on January 1, 1991 and charged under Sections 295-B and 295-C of the Pakistan Penal Code.

Tahir Iqbal had no legal representation for several months until a group of lawyers, including Naeem Shakir and Asma Jahangir of the Human Rights Commission of Pakistan, took the case. The lawyers reported receiving threats from colleagues of Maulvi Pirzada, some of whom also appeared at many of Iqbal's court hearings and attempted to intimidate the judge. Iqbal's stepmother also appeared at hearings, where she loudly condemned her stepson for his conversion and declared that his disability was God's punishment.

Claiming that "conversion from Islam to Christianity is in itself a cognizable offense involving serious implications," the Additional Sessions Judge denied Iqbal bail. He also stated that Iqbal should be kept in custody because he would probably be killed if he were released on bail. The High Court upheld this order, despite the fact that conversion is not an offense under Pakistani law.

The complainant, Maulvi Pirzada, and others, filed a request on April 23, 1992, for Tahir Iqbal to be sentenced to death for converting to Christianity. The judge hearing this request, Sabah Mohyuddin, rejected it, saying that the accused would only be sentenced to death if the prosecution could prove that he had committed blasphemy. After the hearing, the case was transferred away from Judge Saban Mohyuddin.

Tahir Iqbal remained in remand at the Kot Lakhpat prison for more than nineteen months. On April 19, water and electricity to his room were cut off and were only restored a month later after Joseph Francis, a leading member of the Pakistan Christian National Party, sent telegrams to the Inspector General of Prisons and the Superintendent at Kot Lakhpat. According to the deputy superintendent of the prison, the head warden, Manzoor Wasli, was responsible for disrupting the services. Tahir Iqbal was transferred to another part of the prison. It is not known whether any action was taken against Manzoor Wasli.

On July 1, 1992, Tahir Iqbal gave several letters to a fellow prisoner who was being released, to deliver to the Prime Minister, the chief secretary and the home secretary. These letters expressed Iqbal's fear that Manzoor Wasli, Maulvi Pirzada, and his stepmother were plotting to kill him in jail. Tahir Iqbal also expressed the fear that his land would be confiscated by these and other parties conspiring against him, and so signed his property deeds to Joseph Francis, with instructions to secure the land for charitable purposes.

On July 20, 1992, Tahir Iqbal was found murdered in his prison cell. He had reportedly been poisoned. A post mortem was ordered by the Deputy Commissioner. Before it could be carried out, however, the body was turned over to Iqbal's stepmother. The Lahore High Court has granted an application to exhume the body and carry out the post mortem. A judicial inquiry has been ordered, but as of August 1993, no findings had been made public and no one had been charged with the murder.

Iqbal's property was transferred to a neighbor, Saleem, who claims to have purchased it for Rs. 50,000 [\$2,000]

from a man who claimed to have the power of attorney. Saleem told a reporter for the Pakistani newspaper, the *Friday Times*, that he bought Tahir Iqbal's property because he "didn't want another Christian to move next door."²⁹

Khan Mohammad Laskani and Rafiq Ahmad Naeen

In March 1992, Khan Mohammad Laskani and Rafiq Ahmad Naeen, two Ahmadi teachers in Dera Ghazi Khan, were charged under Sections 295-B and 295-C for defiling and desecrating the Holy Qur'an and insulting the Holy Prophet. The men had published a translation of the Qur'an in London. On the basis of a complaint by Maulvi Allah Wasaya, Amir of the Khatam-i-Mabuwat mosque in Dera Ghazi Khan, the district magistrate decided to file charges against the men for blasphemy.

The case was registered against them on October 5, 1991. The maulvi entered a plea that "the Qadiani sect followers have been declared infidels but they don't spare any occasion of hurting the religious feelings of Muslims. Now they have attempted a dirty conspiracy by rendering a ... translation of Qur'an."

In late 1992, the Supreme Court, ruling on an appeal for bail for the accused, stated:

We find that a serious question which requires examination is whether 'defiling' takes place ex-facie by the written or spoken words or the act of the person accused of the offence, or that this is to be seen keeping in view the totality of the milieu, including necessarily the faith, the intention, the object, and the background of the person using them ... We have got the impression prima facie that ex-facie use of these expressions does not create in a Muslim, or for that matter anyone else, any of the feelings of hurt, offence or provocation, nor is it derogatory to the Holy Prophet Mohammad (Peace be upon him) or the Muslims. It is only when the persons reading or hearing them goes deep into the background of the person using them and brings his own special knowledge of the faith, beliefs and latent intentions of such an accused that the alleged results are likely to follow.³⁰

Asia Watch has been unable to obtain further details about the status of the case.

Nasir Ahmad

Nasir Ahmad, a member of the Qadiani Ahmadi group, was charged under Sections 295-A, 295-C and 298-C of the penal code after he ordered wedding invitations announcing the marriage of his daughter which were imprinted with expressions traditionally used by Muslims on formal occasions, including "Amir-ul-Momineen," "Khalipha-tu-Momineen," "Khalipha-tul-Muslimeen," and "Ahail-e-Bait". A F.I.R. was filed against Nasir Ahmad. Charges under 295-A were dropped at the first hearing before the Lahore High Court because the charge cannot be pursued without an order by the Central or Provincial government, and no such order had been issued.

Nasir Ahmad attempted to rebut the accusation regarding 295-C by denying that his daughter's marriage invitations had in any way defiled the name of the Holy Prophet. The state argued that under the law, Qadianis *prima facie* defile the Prophet when they do anything through speech or writing that suggests that their founder, Mirza Ghulam Ahmad, was the final Prophet. The wedding invitations had referred to Mirza Ghulam Ahmad, using the highest form of respect, the Darood-o-Salam, which is the standard practice of Qadianis.

The charge under section 298-C was that the accused had "posed themselves to be Muslims" by using expressions used by Muslims. In his defense, Nasir Ahmad stated that section 298-B specifies words which cannot be used by "non-Muslims"; these words were not included on the invitation. The state, however, took the

position that 298-B does not provide an exhaustive list of the forbidden words. Further, the Muslims invited to the wedding were said to have been insulted by the invitations; the Court failed to document any testimony or evidence from these Muslim invitees, however.³¹

In denying Nasir Ahmad's petition for bail on August 2, 1992, the Lahore High Court ruled that Qadianis "belong to a separate community." The court appeared to base its decision in part on the fact that Qadianis do not attend the weddings of other groups and on the prosecutor's own rendering of history which held that Mirza Ghulam Ahmad was planted by the British Imperialists to teach doctrine "diametrically opposed" to Islam.

On November 2, 1992, the Pakistani Supreme Court reversed the lower court's decision. In granting bail and an appeal to Nasir Ahmad, the court questioned whether "defiling" takes place ex-facie by written or spoken words by any Qadiani about his or her religious beliefs. Expressing doubts about taking such an extreme position, the court ruled instead that the context of the statements must be taken into account, including "the faith, the intention, the object and the background of the person." Nasir Ahmad's case remains on appeal.

Conclusion and Recommendations

Pakistan's blasphemy laws impose dangerous restrictions on internationally recognized rights of freedom of expression and freedom of religion, and have led to serious abuses particularly against the country's minorities. The sweeping provisions of these laws have increased the likelihood they may be used to bring politically-motivated charges against members of these minority groups as well as some Muslims. By sanctioning discrimination against targeted minorities, the laws have also helped to create a climate of intolerance which has led to violent attacks on members of such communities. The government's failure thus far to take any steps to stem these attacks or punish those responsible, appears to indicate that the abuses are tolerated, if not condoned.

In order to signal that such abuses are not sanctioned, the government of Pakistan should institute a judicial inquiry into the murder of Tahir Iqbal. The findings of the post mortem should be made public, and those responsible, including prison officials, prosecuted and punished. The government should also ensure that the murder of Naimat Ahmar is vigorously prosecuted. Reports that police officers have deliberately neglected to pursue the case should be investigated and those responsible punished. The charges against Akhtar Hameed Khan, Nasir Ahmad and Gul Masih and all others charged under these laws should be dropped, and compensation paid for any legal expense and other reparations.

The government of Pakistan should repeal the the blasphemy laws and ensure that all members of minority groups, as well as those Muslims who may hold unorthodox positions, be permitted to freely express their views and practice their religion.

Asia Watch was founded in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg and the Vice Chair is Orville Schell. Sidney Jones is Executive Director.

Asia Watch is a division of Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch, Middle East Watch and the Fund for Free Expression. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Kenneth Roth is acting Executive Director; Susan Osnos is Press Director and Holly Burkhalter is Washington Director.

¹ The term is somewhat of a misnomer, as the laws encompass other offenses besides those strictly defined as

blasphemy.

2 Although Pakistan is not a party to the ICCPR, the Covenant's provisions are widely accepted as a providing authoritative guidance. In addition to the ICCPR, other regional covenants and charters affirm the right of freedom of religious belief and expression.

3 See Human Rights Watch, "'Hate Speech' and Freedom of Expression: A Human Rights Watch Policy Paper," March 1992.

4 Although the case of author Salman Rushdie, who remains under a death threat because of his book, *The Satanic Verses*, may be the most notorious recent example of censorship because of a perceived affront to Islam, important procedural problems set it apart from other cases: the *fatwa* was issued against the citizen of another country, and a non-Muslim one at that, and the accused was not given the opportunity to defend himself. See Abdullahi Ahmed An-Naim, *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law*, Syracuse University Press, 1990, p. 183.

5 See John L. Esposito, "Islam: Ideology and Politics in Pakistan," in Ali Banuazizi and Myron Weiner, eds., *The State, Religion and Ethnic Politics: Afghanistan, Iran and Pakistan*, (New York: Syracuse University Press 1986), pp. 333-369; Stephen P. Cohen, "State Building in Pakistan," in *ibid*; and Khawar Mumtaz and Farida Shaheed, *Women of Pakistan: Two Steps Forward, One Step Back* (London: Zed Books, Ltd., 1987).

6 See International Commission of Jurists, *Pakistan: Human Rights After Martial Law*, 1987, p. 98.

7 Esposito, p. 337.

8 These laws criminalize, among other things, adultery and fornication, as well as rape, and prescribe punishments for these offenses that include public flogging, amputation and stoning. For more on the discriminatory nature of the Hudood Ordinances, see Asia Watch/Women's Rights Project, *Double Jeopardy: Police Abuse of Women in Pakistan*, June 1992.

9 The Courts' jurisdiction originally excluded interpretation of the constitution, Muslim personal laws, court procedures, and fiscal laws, including those regarding taxation, banking and insurance. In April 1991, Prime Minister Nawaz Sharif introduced legislation to give the Shari'a precedence over the constitution. In December of that year, the Lahore High Court ruled in his favor, making the Shari'a the supreme law of Pakistan. Following this decision, the Federal Shari'a Court assumed authority, ordering the dismantling of Pakistan's banking system to establish an interest-free system in line with Islam's prohibitions on usury. The government's appeal is pending.

10 On April 18, the president dismissed Sharif's government, only to have the Supreme Court overturn the order on May 26.

11 Section 296 prescribes a maximum term of one year's imprisonment, or a fine, or both, for anyone who "voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies." Section 297 provides for a maximum one year's imprisonment or fine, or both for anyone trespassing in a place of worship or "place set apart for the performance of funeral rites or as a depository for the remains of the dead."

12 As noted above, violence is taken to refer to physical attack; "discrimination" to refer to the actual deprivation of a benefit to which similarly situated people are entitled or the imposition of a penalty or sanction not imposed on other similarly situated people; and "hostility" to criminal harassment and criminal intimidation.

13 The Candian Center, International PEN, *Freedom of Expression in the Muslim World: A Comparative Legal Study and Subversive Speech in International Human Rights Law and the Laws of the Muslim World*, April 1992, p. 40.

14 Pressure is building to enact similar legislation against another minority group, the Zikris. The Zikris are a Baluch sect of some 300,000 which was founded in the fifteenth century. They believe that the teachings of their founder, Nur Pak, supersede those of the Prophet. In 1992, the Jamiat-ul Ulama-e-Islam organized a protest to obstruct the Zikris' annual pilgrimage to the Koh-e-Murad on the twenty-seventh day of Ramadan, deeming it an imitation of the Haj (the annual pilgrimage to Mecca) and thus, blasphemous. The Zikris are concentrated in the coastal areas of Baluchistan and in Karachi.

15 See Human Rights Commission of Pakistan, "Blasphemy Cases: An Update," (forthcoming).

16 Ibid, p. 2.

17 Ibid.

18 United States Department of State, *Country Reports on Human Rights Practices for 1992*, p. 1167.

19 The Hindu minority in Pakistan has also been the target of violent attacks. After extremist Hindu mobs destroyed a 16th century mosque, the Babri Masjid, in Ayodhya, India, in December 1992, mobs in Pakistan destroyed Hindu temples, as well as homes and shops owned by Hindus. Hindus were attacked and murdered, in some cases in the presence of officials. The persecution of Hindus and other minorities in Pakistan will be the focus of a 1994 Asia Watch report.

20 The Human Rights Commission of Pakistan, *The Blasphemy Episodes*.

21 The information for the follwing cases has been obtained from relevant court documents and in appeals by the Human Rights Commission of Pakistan, and Women Living Under Muslim Law.

22 On February 9, 1993, Mohammad Arshad Javaid, aq 37-year-old resident of Bahawalpur, Punjab, became the first Muslim to be sentenced to death for blasphemy. An appeal is now pending before the Lahore High Court. Javaid is reported to be mentally unbalanced. See The Human Rights Commission of Pakistan, "Blasphemy cases: An Update," (forthcoming).

23 According to Father Philip, Sajjad Hussain had stated that if Christians believe in three gods, and that Jesus is the son of God, then the Virgin Mary must be a prostitute. Gul Masih is said to have replied that he had read in a book written by a maulvi that Mohammad had eleven wives, one of whom was a minor. The Qur'an permits Muslim men to marry a maximum of four wives, and Mohammad is traditionally understood to have had that number.

24 See Human Rights Commission of Pakistan, *The Blasphemy Episodes*.

25 Cases regarding the dismissal itself and other related matters are still pending in the Sindh High Court.

26 The Jamaat-i Islami (JI) is a conservative political party which claims among its leaders many traditionalist clergy. It has backed efforts to Islamicize Pakistan's laws and other institutions.

27 Human Rights Commission of Pakistan, *The Blasphemy Laws*.

28 Some local Christians claimed that the maulvi's inability to answer these questions led him to file the FIR. Maulvi Pirzada was subsequently removed from his own mosque in 1992 by the local people who accused him of fraud in the collection of money for the Haj, which he allegedly spent in Karachi.

29 As cited in *The Blasphemy Episodes*.

30 The Human Rights Commission of Pakistan, *State of Human Rights in Pakistan 1992*, p. 46.

31 The government relied on three precedents of convictions of Qadianis in its prosecution of Nasir Ahmad: Mojeeb-ur-Rehman et al v. Federal Government of Pakistan (1985 FSC.8); Malik Jehangir M. Joia v. The State (PLD 1987 458); Khurshid Ahmad v. Government of Punjab (PLD 1992 Lahore 1).